Regulations Governing Remote Hearings and Transmission of Documents for Intellectual Property Cases by the Court

Amendment to Articles 1, 2, 4, 7, 10, and 13 promulgated per August 1, 2023 Judicial Yuan Order Yuan Tai Ting Hsing 3 Tze No. 1120300890 and enforced as of August 30, 2023

Article 1

These Regulations are enacted in accordance with Paragraph 6 of Article 5 of the Intellectual Property Case Adjudication Act.

Article 2

1 For the purposes of these Regulations, a “remote hearing" denotes a hearing that the court before which an intellectual property case is pending may, if it deems it appropriate, and upon motion or ex officio, conduct with technological equipment allowing the direct conduct of a trial, as available for the transmission of voices and images between the premises or government agency where a party, representative, officer, agent, advocate, assistant ad litem, intervener, witness, expert witness, appraiser, verifier, court interpreter, expert, or other related party to an action in the case is located, and the aforementioned court.

2 For the purposes of these Regulations, "remote hearing equipment" denote technological equipment capable of transmitting voices and images to enable direct questioning or hearings between the court side and the remote side.

3 For the purposes of these Regulations, a "declarant" denotes a related party to an action as specified in Paragraph 1 whom the court may cause to make statements or be interrogated through a remote hearing.

4 For the purposes of these Regulations, an "intellectual property case" includes motions.

5 On whether the motion in Paragraph 1 is appropriate or not, the court shall deliberate the following factors and seek the opinions of the parties:

(1) the connectivity of the remote hearing equipment

(2) whether the remote side is able to provide necessary assistance to the court side

(3) whether the declarant is able to make statements freely

(4) other circumstances that are sufficient to affect the discovery of truth or fairness of trial

6 The court may deem an application by a party, representative, officer, or its agent,

advocate, or assistant ad litem for a remote hearing to be conducted at a different premise, prosecutors office, government agency, or court inappropriate if full and free communication without interference is not possible.

Article 3

1 The court may conduct a remote hearing at another court, prosecutors office, government agency, or other suitable premises of the location of the declarant where remote hearing equipment are available if the court considers the application under Paragraph 1 of the preceding article inappropriate.

2 When conducting a remote hearing, the court may designate its personnel to the remote side to assist with the conduct of proceedings and other related matters.

Article 4

In regard to remote tribunals, the court may, depending on operational status, designate an exclusive time for remote hearings, with each session lasting 10 minutes. A maximum of six sessions may be applied for per interrogation; where necessary, extensions are permitted with the approval of the president of the court side or the authorized personnel thereof.

Article 5

1 A judge may authorize a court clerk to register the usage of a tribunal on the court side in the remote interrogation scheduling system before 3 p.m. on the day before the remote hearing. The registration procedures shall be handled together, and the declarant shall be advised to appear on time for interrogation or to make statements, if the remote side is, as mentioned in Paragraph 1 of Article 3, a court, prosecutors office, government agency, or other suitable premises which are capable of registering in the remote interrogation scheduling system.

2 A case requiring an urgent trial may waive the restriction described in the preceding paragraph, provided the court side shall first coordinate with the remote side, and the declarant shall be advised to appear on time for interrogation or make statements.

3 Registration in the remote interrogation scheduling system as described in Paragraph 1 is on a first-come, first-serve basis. If the registration schedule for the day is full, no further registration for that day will be accepted by the scheduling system.

4 In the event of any changes to the registration in the remote interrogation scheduling

system in Paragraph 1, an amendment shall be made to the registration via the scheduling system.

Article 6

1 At the start of a remote hearing on the court side, the presiding judge shall announce that the entire hearing will be audio and video recorded. The remote side may not audio or video record or livestream the hearing without the judge's permission.

2 The presiding judge shall monitor for unauthorized recording or livestreaming of sounds or images transmitted simultaneously during the hearing. If any unauthorized audio or video recording or livestreaming is found, the presiding judge shall restrain the act and may further order the deletion of said recording or stop the livestream.

Article 7

1 Remote hearing transcripts or other documents requiring the declarant's signature shall be transmitted by technological equipment from the court side to the remote side. After their contents are verified and they are signed, they shall be returned to the court side via technological equipment.

2 The transcripts or documents returned to the court side as in the preceding paragraph shall have the same effect as having been signed. The court side shall print the signed transcripts or documents and enclose the same in the dossier.

Article 8

1 Where per diem fees, travel expenses, remuneration, and other fees may be received according to the law, the court side may transmit the application forms together with receipts of the per diem fees, travel expenses, remuneration, and other fees to the remote side via technological equipment. After the remote hearing, the declarant will sign and transmit via technological equipment such forms and receipts to the court side to make an application. The court will, upon review and approval, pay by direct transfer to the financial institution account of the declarant or in other appropriate manner.

2 Unless otherwise provided, the fees that may be received as in the preceding paragraph are calculated based on the declarant’s travel from his or her location to the premises of the remote side.

Article 9

In regard to the preceding two articles, when the court decides to conduct a remote hearing, it may send the date notification along with a hard copy of the signature page of the transcript, written oath, or application form and receipt of various fees for the declarant to sign during or after the remote hearing on said signature page, written oath, or application form and receipt and, according to court instructions, to transmit the same via technological equipment or to proceed after saving a screenshot of the same. The same shall also be printed and enclosed in the dossier.

Article 10

1 Both the court and remote sides shall designate court officers or special personnel responsible for:
   (1) powering on and off, safekeeping, and maintaining remote hearing equipment of tribunals
   (2) printing court dockets from the remote interrogation scheduling system and posting the same outside the tribunal
   (3) assisting in the operation of remote hearing equipment during remote hearings
   (4) handling the transmission, receipt, and return etc. of the transcripts and other documents in Article 7
   (5) assisting in the transmission, receipt, and return etc. of application forms together with receipts for the application for the per diem fees, travel expenses, remuneration, and other fees in Article 8
   (6) if the remote hearing equipment cannot be used due to a malfunction or otherwise, specifying the period the remote interrogation scheduling system is unavailable and notifying the judges or court clerks who have made a registration
2 The preceding paragraph applies mutatis mutandis where the remote side is a prosecutors office or government agency that agrees to assist.
3 The matters described in Subparagraphs (3) to (5) of Paragraph 1 will be handled by the declarant if the remote side is at its location.

Article 11

The court shall report in writing the names, titles, and telephone numbers of the court officers or special personnel responsible for the matters listed in the preceding article, as well as any changes thereto, to the information management unit of the Judicial Yuan.

Article 12

Issues not addressed by these Regulations are governed by the following regulations and guidelines of courts at all levels: the regulations governing remote hearings and transmission of documents for civil actions, operational regulations for remote interrogation in criminal procedure, guidelines for expanding remote criminal interrogation operations in court, and regulations governing remote hearings and transmission of documents for administrative actions.

Article 13

1 These Regulations shall be enforced as of the date of promulgation.

2 The amendment to these Regulations shall be enforced as of August 30, 2023.